

EXHIBIT F

From: Brakebill, Ken W.
Sent: November 03, 2006 12:25 PM
To: Ted Normand (enormand@bsfllp.com)
Subject: RE: Fact Discovery

Ted:

SCO's commitment to begin "rolling" production "as soon as practicable" of "those transcripts" "or portions of transcripts" that "reasonably relate" to the *SCO v. Novell* case advances the ball no further than where we were a year ago when SCO agreed to give Novell access to the *SCO v. IBM* depositions. Notwithstanding this agreement, a December 2005 order on the subject, Novell's December 2005 document requests, and IBM's agreement to give Novell access, SCO has only given Novell depositions for five witnesses in the IBM case (from among the apparently 130 plus deposition transcripts in that case). We don't believe this material is in any way onerous to produce. SCO need only copy its electronic versions of the transcripts to a disk, along with the exhibits, and provide to a copy vendor. Moreover, as we (and the Court) originally contemplated, the production of the IBM materials, including these transcripts, could prove to make the resolution of our case more efficient, possibly obviating certain discovery. With that said, we are now under tight deadlines in this case and, with no certainty of anything in SCO's proposal, we can wait no longer and will put a motion on file to preserve Novell's rights.

In response to the last paragraph of your e-mail, if SCO has issues with particular requests or specific aspects of Novell's production, we are happy to discuss them with you. Note, however, that SCO's positions on specific Novell discovery requests do not alter SCO's obligation to comply with our reasonable discovery requests and the Court's Order on these *SCO v. IBM* deposition transcripts.

Thanks.
 -Ken

-----Original Message-----

From: Ted Normand [mailto:TNormand@BSFLLP.com]
Sent: November 02, 2006 4:22 PM
To: Brakebill, Ken W.
Subject: Fact Discovery

Ken --

Pursuant to the confidentiality order, SCO will produce those transcripts, or where appropriate portions of transcripts, from the *SCO v. IBM* case containing testimony that reasonably relates to claims or defenses in the *SCO v. Novell* case. We will begin a rolling production of such transcripts or portions of transcripts as soon as practicable, and in time to permit the use of the material for fact depositions in this matter. If you have particular transcripts in mind, let us know, and we will aim to start with those.

In making the foregoing commitment, however, SCO is concerned that, from what SCO can gather from Novell's productions in and objections to discovery to date and from our conversations, Novell is employing a different standard of relevance for its production than it now asks SCO to apply with respect to the transcripts. SCO reserves all rights with respect to Novell's standards of production to date. Regards,
 Ted Normand

 IRS Circular 230 disclosure:

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